

**CITY OF AUSTIN ETHICS REVIEW COMMISSION**

**Nathan Wiebe**  
Complainant

v.

**Stefan Sasko**  
Respondent

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**Complaint No. 20170717C**

**ORDER ON FINAL HEARING**

**I. PROCEDURAL HISTORY**

On July 17, 2017, Mr. Nathan Wiebe (“Complainant”) submitted to the Austin City Clerk (“City Clerk”) a Sworn Complaint (“the Complaint”) against Mr. Stefan Sasko (“Respondent”). On July 17, 2017, the City Clerk sent a copy of the Complaint and a notice of filing to the City Attorney, the Ethics Review Commission (“the Commission”), Complainant, and Respondent.

On September 5, 2017, Commission Staff Liaison Sue Palmer (“Palmer”) issued a Notice of Preliminary Hearing, setting a Preliminary Hearing of the Commission for September 20, 2017, and advising Complainant and Respondent of the procedures for the Preliminary Hearing.

On October 24, 2017, Palmer issued a Revised Notice of Preliminary Hearing, setting a Preliminary Hearing of the Commission for November 8, 2017, and advising Complainant and Respondent of the procedures for the Preliminary Hearing.

On November 8, 2017, the Commission conducted a Preliminary Hearing and determined that reasonable grounds existed to believe that a violation of Section 2-7-65(C) and 2-7-64(C) of the Austin City Code had occurred as a result of actions or omissions of Respondent, as alleged



in the Complaint. The Commission set this matter for a Final Hearing to be held on January 10, 2018.

On December 4, 2017, Palmer issued a Notice of Final Hearing, setting a Final Hearing of the Commission for January 10, 2018, and advising Complainant and Respondent of the procedures for the Final Hearing.

The agenda for the January 10, 2018, meeting of the Commission and Final Hearing in this matter was timely posted on January 5, 2018.

## **II. FINDINGS OF FACT**

1. Respondent is a former Austin Energy employee.
2. Complainant is Chief of Investigations, Office of the City Auditor. The Complaint alleges that the Respondent violated Austin City Code, Chapter 2-7, which deals with ethics and financial disclosure, specifically Section 2-7-65(C) (Substantial Interest of Relative) and Section 2-7-64(C) (Disclosure of Conflict of Interest), by approving for payment invoices submitted by an entity that performed work as a contractor for the City of Austin and that employed Respondent's brothers.
3. The Complaint alleges that the alleged violations occurred during the period from March 2016 to January 2017.
4. Complainant and Respondent each appeared at the Final Hearing in accordance with Chapter 2-7 of the City Code and the Rules of the Commission. Complainant provided testimony and documentary evidence relevant the allegations. Respondent provided testimony relevant to the allegations.



### III. CONCLUSIONS OF LAW

1. The January 10, 2018, meeting of the Commission and the Final Hearing were properly noticed in accordance with Chapter 2-7 of the City Code, the Ethics and Financial Disclosure Ordinance, and the Texas Open Meetings Act.
2. The Commission has jurisdiction over complaints alleging violations of Chapter 2-2 of the City Code (Campaign Finance), Chapter 4-8 of the City Code (Regulation of Lobbyists), Article III, Section 8 of the City Charter, (Limits on Campaign Contributions and Expenditures), Chapter 2-7 of the City Code (Ethics and Financial Disclosure), and Section 2-1-24 of the City Code (Conflict of Interest and Recusal).
3. The Complaint was filed with the City Clerk, was sworn to by Complainant, and identifies the sections of the City Code alleged to have been violated, as required by Section 2-7-41 of the City Code.
4. The provisions at issue are under Chapter 2-7 of the City Code (Ethics and Financial Disclosure), specifically Section 2-7-65(C) (Substantial Interest of Relative) and Section 2-7-64(C) (Disclosure of Conflict of Interest).
5. Section 2-7-65(C) reads:

A City official or a City employee may not participate in a vote or decision affecting a substantial interest of a person to whom the official or employee is related in the first or second degree of consanguinity or affinity. This subsection does not apply to a substantial interest of a relative based on the relative's employment by a governmental body.



6. Section 2-7-64(C) reads:

To comply with this section, a City employee shall notify in writing his supervisor of any substantial interest he may have in a natural person, entity or property which would be affected by an exercise of discretionary authority by the City employee and a supervisor shall reassign the matter.

7. Under Section 2-7-45 of the Austin City Code, the issue to be considered by the Commission at a Final Hearing is whether a violation of a cited section of the Austin City Code has occurred. The Commission shall make its final determination based on a preponderance of the credible evidence in the record.

#### **IV. DETERMINATION OF THE ETHICS REVIEW COMMISSION**

The Commission determines that based on the credible evidence in the record no violation of Section 2-7-65(C) and 2-7-64(C), Austin City Code, has occurred and that no further action be taken with respect the Complaint.

**ORDERED** as of the 10th day of January 2018.



Brian Thompson  
Commissioner, Ethics Review Commission

